

## **REMARKS**

Applicant's independent representative thanks the Examiner and the SPE for the courtesy extended during an interview of January 23, 2008.

Applicant acknowledges the objection to the IDS dated July 21, 2005. A new IDS was submitted on December 18, 2007, correcting the cited deficiencies in the July 21, 2005 Information Disclosure Statement.

Applicant respectfully traverses the rejection of claims 1, 2, 7, 9, and 12 under 35 U.S.C. §102(b) over Omura (U.S. Patent No. 5,552,986); the 102(b) rejection of claim 14 over Mishina (JP 2000-118352); the § 102(b) rejection of claim 17 over Klingauf (U.S. Patent 6,969,089); the 35 U.S.C. §103(a) rejection of claims 3, 4, 10, and 11 over Omura in view of Klingauf; the § 103(a) rejection of claim 15 over Mishina in view of Klingauf; the 103(a) rejection of claims 5 and 6 over Omura in view of Brambilla (U.S. Patent Publication No. 2001/0054816); the § 103(a) rejection of claim 16 over Mishina in view of Omura; the § 103(a) rejection of claim 18 over Klingauf in view of Omura; and the § 103(a) rejection of claims 8 and 13 over Omura in view of Mizutani (U.S. Patent Publication No. 2004/0122573).

As set forth in the present claims, e.g., claims 1 and 9, a vehicle seatbelt apparatus provided with a winder for winding a seatbelt includes, among other things, a collision predicting means for predicting a collision with an object, a brake detecting means for detecting operation of a brake pedal, first and second winding control means, and collision avoidance detecting means for detecting avoidance of the collision with the object and for releasing control of the winder upon detection of the avoidance.

As set forth, e.g., in new claims 20 and 21, the collision avoidance detecting means releases control of the winder based on at least one of detecting a steering

operation by the driver, stopping of the vehicle, and a passage of time since operation of the first or second winding control means, greater than a preset time period.

Omura does not disclose brake detecting means for detecting operation of a brake pedal. Rather, Omura detects, with a G-force sensor, G-forces acting on a vehicle. During the January 23, 2008 interview, the Examiner stated that, in her opinion, Mizutani discloses detection of brake pedal operation. Applicant respectfully disagrees. This point notwithstanding, neither Omura, Mizutani, nor any of the other cited references, disclose the collision avoidance detecting means, as recited in the claims, in combination with the other features of the claims. The claimed collision avoidance detecting means are supported at page 8, lines 17-25, and step 124 on Fig. 2, and do not constitute new matter.

The claims, as amended, are not anticipated under § 102(b) by Omura, Mishina, or Klingauf. Moreover, because none of the references disclose collision avoidance detecting means, as claimed, no combination of the cited references create a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Applicant has amended claims 2-8 and 10-13 to read in U.S. format and to correspond to terms recited in the respective independent claims.

Cancellation of claims 14-18 renders moot the rejection of those claims.

Applicant has added new claims 19 and 20 to round out the protection to which it is entitled.

In view of the above amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the pending claims.

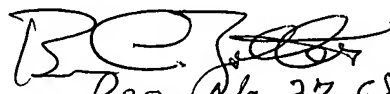
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: February 28, 2008

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